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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 177/2001

SHRI BHEROAN RAM Vs. STATE OF RAJASTHAN & ANR.

DATE: 08.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Yogesh Gupta for the petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

None appeared on behalf of the accused-respondent despite service.

This criminal revision petition under Section 397 Cr.P.C. is directed against the judgment dated 02.05.2000 passed by the Additional Chief Judicial Magistrate, Shahpura, District Jaipur in Criminal Case No. 389/95, whereby he acquitted the accused-respondent without recording the statements of the material witnesses.

I have heard learned counsel for the petitioner, learned PP for the State and have also gone through the impugned judgment as well the relevant record.

Upon perusal of the impugned judgment, it appears that the Court below has not appreciated the evidence and I am fully satisfied with the submissions advance on behalf of the petitioner that the evidence

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adduced has not been properly appreciated. Therefore, the impugned order dated 02.05.2000 acquitting the accused-respondent Om Prakash from the charges of offence under Sections 287, 336 and 338 IPC has wrongly been passed on the wrong premises and after due consideration of the evidence, the impugned judgment cannot be said to be speaking judgment.

In the interest of justice, I deem it proper to quash and set-aside the impugned judgment dated 02.05.2000 passed by the Additional Chief Judicial Magistrate, Shahpura, District Jaipur and remand the matter back to the Court below for fresh adjudication with a direction to pass speaking order after properly appreciating the evidence adduced, documents and the material available on record.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE), J.

/KKC/